

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016040934
v.	
LINDEN UNIFIED SCHOOL DISTRICT,	
LINDEN UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016020642
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On February 16, 2016, the Linden Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016020642 (District's Case), naming Student.

On April 19, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016040934 (Student's Case), naming Linden.

On April 19, 2016, Student also filed a Motion to Consolidate District's Case with Student's Case.

On April 22, 2016, Linden filed a notice of non-opposition to the motion to consolidate.

*Consolidation*

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, District's Case and Student's Case involve common question of law or fact, specifically, the appropriateness of a psychoeducational assessment of Student conducted by District staff and reported on November 19, 2015. District asserts that the assessment is appropriate and that it therefore should not be required to fund an independent educational evaluation. Student has requested an independent educational evaluation in that area, asserts his disagreement with that assessment, and relies on other and apparently competing assessments as part of a larger argument that he has been denied a free appropriate public education. Linden does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because much of the evidence and many of the witnesses will be the same. Accordingly, consolidation is granted.

### ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016020642 (District's Case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2016040934 and on the Scheduling Order in that matter issued on April 21, 2016.

IT IS SO ORDERED.

DATE: April 25, 2016

DocuSigned by:

*Charles Marson*

229456BAD50440E

---

CHARLES MARSON  
Administrative Law Judge  
Office of Administrative Hearings